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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

DECKER, R

ART UNIT

PAPER NUMBER

5881

5

DATE MAILED: 12/01/90

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/284,311

Applicant(s)
Wilhelm Geis et al.

Examiner
Rodney H. Bonck

Group Art Unit
3681



☒ Responsive to communication(s) filed on Apr 26, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 17-32 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 17-32 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

The following is a first action on the merits of application Serial No. 09/284,311, filed April 26, 1999.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

Receipt is acknowledged of the Information Disclosure Statement filed April 26, 1999. The cited documents have been considered.

Drawings

The drawings as filed have been approved by the Draftsperson.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 17-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 17, a “driven member” and a “drive member” are defined, but there is no proper antecedent basis for “said driving member”, line 15 of claim 17.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 17, 18, 22, 24-26, 28-30, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Hochmuth et al. ('973). The Hochmuth et al. device includes a spindle 10, a driven member 4, a freewheel having locking members 25, a ring 1, a drive member 5 having unlocking members 19, and torque transmitting catch surfaces formed by cam surfaces engaging drive surfaces of catch openings of the driven member. The catch openings are radial recesses 22. The cams and locking members are arranged in pairs. The driven member is force-lockingly connected to the spindle 10.

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Claims 17, 21-24, and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwarzbich('479). The Schwarzbich device includes a spindle 26, a driven member 30, a freewheel having locking members 32, a ring 28, a drive member having unlocking members 36 and cams 38 that engage catch openings in the driven member. The catch opening are ring segments.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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Claims 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hochmuth et al. in view of Ritter et al.('253). The Hochmuth et al. device lacks the claimed closing member. The Ritter et al. device discloses a closing member 15 provided with axial clearance with respect to the locking members. It would have been obvious to provide such a closing member in the Hochmuth et al. device, the motivation being to axially retain the locking members. Note that the Ritter et al. device also teaches a positive-locking connection between the driven member and the spindle.

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hochmuth et al. in view of Cahill('783). It is unclear whether the drive member in the Hochmuth device is a toothed wheel. A toothed wheel, or gear, is a well-known manner of transmitting torque. Cahill shows such a toothed wheel at 11. Cahill also teaches making the toothed wheel of plastic. It would have been obvious to provide a plastic toothed wheel as the drive member in the Hochmuth et al. device, the motivation being to provide a low-cost, light-weight means for transmitting torque.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tsai('021), Schwarzbich('488), Boyden('023), Leu('381), Cole('044), Walton('159), Schwarzbich('017), and Broucksou('831) show other shaft-locking and torque-transmitting couplings.

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FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is **(703) 305-3597**. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

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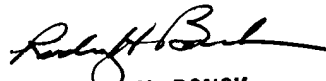
If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (703) 308-2904. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor, can be reached on (703) 308-0830. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


RODNEY H. BONCK
PRIMARY EXAMINER
ART UNIT 3681

rhb
November 29, 1999